

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JULY 16, 2015 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 p.m.

**CONDUCTING:** Mayor Stephanie Miller

**ROLL CALL:** Councilmembers Scot M. Allgood, Jared L. Clawson, Martin L. Felix (by telephone), Paul C. James, and Aaron Woolstenhulme were present.

**CALL TO ORDER:** There being five members present and five members representing a quorum, Mayor Miller called the meeting to order.

**OTHERS PRESENT:** City Administrator Ron Salvesen and approximately 50 citizens were present. City Recorder Stephanie Fricke recorded the minutes.

**WELCOME:** Mayor Miller welcomed everyone in attendance.

**PLEDGE OF ALLEGIANCE:** Councilmember Allgood led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Councilmember James

**APPROVAL OF MINUTES:**

The minutes of a special meeting on July 9, 2015 were approved as written.

**ACTION** Councilmember James made a motion to approve the minutes of a special City Council Meeting on July 9, 2015 as written. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

The minutes of a special joint meeting on July 9, 2015 were approved as written.

**ACTION** Councilmember Allgood made a motion to approve the minutes of a special joint City Council Meeting on July 9, 2015 as written. Councilmember Clawson seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

The minutes of July 16, 2015 were approved as written.

**ACTION** Councilmember Clawson made a motion to approve the

**minutes of a regular City Council Meeting on July 16, 2015 as written. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.**

**AGENDA ADOPTION:** A copy of the notice and agenda for this meeting was faxed to The Herald Journal, posted on the Utah Public Notice Website, mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

**ACTION**

**Councilmember James made a motion to approve the agenda for August 6, 2015 as published. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.**

## AGENDA

8. PUBLIC COMMENT.
9. PUBLIC HEARING:
  - A. To receive public comments regarding Hyrum City transferring approximately .46 acres of real property located at the corner of Centre Avenue and Park Avenue to Cache County Corporation for a South Cache Ambulance Station.
10. SCHEDULED DELEGATIONS:
  - A. Melissa Bunce - To request approval of a Home Occupation Business License at 361 North 600 East for photography.
  - B. Dan Larsen, Kartchner Homes - To request Concept Plan approval for the Heights Apartment Complex Planned Unit Development at approximately 900 East between Highway 101 and Hyrum Boulevard (138 apartments).
  - C. Dan Larsen - To request Final Plat approval for Sawmill Crossing Subdivision at 1000 East Hyrum Boulevard (13 single family residential dwellings).
  - D. Ryan Reeves, Blacksmith Fork Villas - To request Site Plan and Final Plat approval for Blacksmith Fork Villas Assisted Living Center at 680 East Main Street (two story - 36 living units).
11. INTRODUCTION AND ADOPTION OF RESOLUTIONS:
  - A. Resolution 15-14 - A resolution declaring certain Hyrum City equipment as surplus and ordering the sale of disposal thereof.
  - B. Resolution 15-15 - A resolution approving an agreement between Hyrum City and Cache County for the transfer of real property from Hyrum City to Cache County for building and maintenance of an ambulance station.
12. OTHER BUSINESS:

- A. Consideration and award of bid for 2015 Water and Irrigation Improvement Projects.
- B. To discuss South Cache Livestock Association property purchase terms.
- C. Consideration of exchanging and irrigation connection for irrigation shares with Mountain Crest High School.
- D. Consideration and appointments of Hyrum City's Parking Authority Committee.
- E. Mayor and City Council reports.

## 13. ADJOURNMENT

**PUBLIC COMMENT:**

Mayor Miller said if a citizen has a question or would like to make a comment to please keep it under three minutes.

Bonnie Nielsen said she has lived in Hyrum for 63 years and served on the City Council for four years. She has a great concern about the proposed Heights Apartment Complex Planned Unit Development at approximately 900 East between Highway 101 and Hyrum Boulevard. Hyrum has an excessive amount of smaller homes compared to other cities. She does not feel this apartment complex fits in within Hyrum City's General Plan. She would like to see Hyrum have larger lots with larger lots not smaller lots with rentals. Every study shows homes cost taxpayers and these rental units are being placed in a commercial area where sales tax revenues could be generated. She asked the City Council to deny the proposed Heights Apartment Complex.

Curtiss Parkinson said he lives several blocks west of the proposed Heights Apartment Complex and he too is concerned about the location of the proposed Heights Apartment Complex. There may not be a commercial need yet for the property where the apartment complex is proposed but as Hyrum grows this area is Hyrum City's commercial area where commercial growth should happen. If there is no space for commercial businesses in Hyrum then those business will go to Nibley or Paradise. Hyrum needs to plan for the future and not be short sighted or it will become a bedroom community. He is also concerned about such a high density of apartments in one area. Apartments do not keep people long term in Hyrum and people will move in and move out while not contributing to the community. This large of a complex will not be an attribute to the City in the future. Apartments tend to look run down and out of date after ten or twenty years. This would be a large area for crime and blight. He asked the City Council what benefit does this apartment complex bring to Hyrum. Is it making Hyrum a better place to live, because the people in this room tonight do not believe it will. He said the City

Council has been elected by the citizens and asked for the City Council to listen to its citizens now and not a developer.

Zach Checketts said he has lived in Hyrum for 32 years and would strongly prefer commercial development over apartments in that area. He is a realtor and is concerned about the home values near the proposed apartment complex and said it will have a negative impact on the property values for the homes in the proposed area.

Allison Woodward said she is a home owner in Hyrum which means she is a tax payer of Hyrum City. She did live an apartment once but she was not a tax payer of the community she rented in. She asked the City Council what value do the citizens of Hyrum gain with a large apartment complex, what does the neighborhood gain that will be adjacent to this large rental complex, and also what would be the benefit to Hyrum City? People moving into the apartment complex will have school age children that will place a large demand on the already full elementary school nearby. It will also draw on the community's resources as well, parks, utilities, law enforcement, traffic, etc. This is a large apartment complex and people will be constantly moving in and out what type of impact will that have on collection of utility bills. The residents of Hyrum City contribute to its City by volunteering and giving of its resources, but living in an apartment usually means that person will only be here on a short term and will not take pride and have a sense of community. She asked the City Council to deny the Heights Apartment Complex proposal.

Todd Andrus said he has lived in Hyrum for 20 years. The propose Heights Apartment Complex will be less than a block away from his home. He is definitely worried about property values and traffic. He moved out of his apartment to get away from that type of life and he doesn't want it next to his home now.

Troy Anthony said he has lived in Hyrum for 21 years and the Heights Apartment Complex would be in his backyard. He already has apartments in his backyard - Country Side Manor. Over the past 21 years he has watched County Side Manor Apartments continue to be run down with no improvements being made. Apartments are usually not something that makes a neighborhood better over time. He is concerned about the impact that this large of an apartment complex will have on Hyrum City and its commercial district and its residents over time. Traffic is already a problem with Mountain Crest High School.

Jackie Schenk said she emailed the City Council with her concerns but several families were unable to be present at tonight's

meeting and wanted her to express their concerns. She has lived in Hyrum for over 50 years. During that time Hyrum's reputation has decreased and now we have a bad reputation. People ask her all the time why she would want to live in Hyrum, although she thinks it's a great place to live other people's views are not very high of Hyrum. This large of an apartment complex is not in Hyrum's best interest. This will create problems in the future. The property is zoned commercial and it needs to remain commercial to allow for business to move into Hyrum. If there is no commercial property with accessibility commercial businesses will not come to Hyrum. If it was a smaller apartment complex with less than 20 units she would not be so opposed to it if it was in an area that wouldn't take away from commercial development. As she gets older she doesn't want to drive to Logan for groceries or things she needs. It is critical for Hyrum to have businesses so that residents can shop in Hyrum. She doesn't see any benefit of this apartment complex to Hyrum or its residents and requested it be denied.

Cindy Yashko said she moved here 21 years ago and Hyrum is a great place to live. She is very sensitive to the need for apartments but as time goes on apartments are not taken care of. She is very concerned about having another apartment complex especially one this large that will deteriorate. She asked what the benefit was to the City for an apartment complex of this many units. She is opposed to the proposed project.

Greg Yashko said he is for apartments and almost everyone has lived in an apartment at one time. However, he is not for apartments with this high of a density. Apartments deteriorate over time which detract from the neighborhood. Apartment building owners usually do not live by the apartments they build and therefore do not have the same commitment level as home owners surrounding the apartment owners building. There is a greater concern for problems and the future of the area with higher density apartments in one area. You can drive through Logan and see how apartments and the neighborhoods in high density neighborhoods and they get ran down quickly.

Pauline Nielsen said she has lived in Hyrum for almost 40 years. She came tonight to express her concerns about the size of the Heights Apartment Complex and to find out what the benefit is to the tax paying citizens of Hyrum. The proposal is for 132 units on 9 acres of property that is equivalent to putting 528 people on one city block. The people that are here tonight are residents, citizens, and tax payers of Hyrum City. They are good people who volunteer their time to schools and the community. They are scared of what is being proposed tonight not for the fear of growth but what will become of their

neighborhood, community, and property that they have spent countless hours on trying to improve and make a place they are proud to live in with friends. They are asking you to realize there is no benefit to your citizens and to say no to this complex.

Friend Weller said he moved to Hyrum several years ago and when he moved here there were empty fields around him. Now those empty fields are filled with homes. Homes that people built or bought to thrive in a sense of community with single families. This property wasn't zoned for large apartment complexes it was zoned for commercial use and it needs to stay that way.

Jason Hooton said Hyrum needs businesses not a giant apartment complex. A giant apartment complex isn't attractive nor will it get more attractive in time. Apartments tend to get ran down and the more units there are the quicker it gets ran down. He is also concerned about traffic in that area.

Jeff Hertzler said he has lived in Hyrum for two years and during that time there have been watering restrictions. What will happen to water pressure in that neighborhood when there are over 500 people living there doing laundry, showering, dishes, etc. He is also concerned about schools and there not being enough room for more kids in Canyon Elementary School.

Dustin Larsen said he is not here tonight for the Heights Apartment Complex but he is here to discuss the Blacksmith Fork Villas Assisted Living Center. The plan that was originally presented and approved didn't have a two story building. The proposed assisted living center will border the north and west side of his home and property. There is only an 8' setback from the property line and he will not have any privacy with a two story building that close. He has lived there for 34 years and takes great pride in his home but doesn't feel it is right for the City to approve something that will take away his privacy on two sides of his home.

Mayor Miller thanked the citizens for their comments.

***PUBLIC HEARING:***

**TO RECEIVE PUBLIC COMMENTS REGARDING HYRUM CITY TRANSFERRING APPROXIMATELY .46 ACRES OF REAL PROPERTY LOCATED AT THE CORNER OF CENTRE AVENUE AND PARK AVENUE TO CACHE COUNTY CORPORATION FOR A SOUTH CACHE AMBULANCE STATION.**

Mayor Miller said Cache County Ambulance Service has grown out of its current space that Hyrum City's rents to it. The

ambulance service was looking at other areas to build a new ambulance station. Hyrum City wants to keep the ambulance service in Hyrum to provide quicker access to its residents and has offered the Cache Ambulance Service a piece of property on the corner of Centre Avenue and Park Avenue.

Mayor Miller called for a motion to open the public hearing.

**ACTION** Councilmember Allgood made a motion to open the public hearing at 7:06 p.m. to receive public comment regarding Hyrum City transferring approximately .46 acres of real property located at the corner of Centre Avenue and Park Avenue to Cache County Corporation for a South Cache Ambulance Station. Councilmember Clawson seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

Curtiss Parkinson said he wants the ambulance to stay in Hyrum.

Mayor Miller asked if there was more public comment, there being none she called for a motion to close the public hearing.

**ACTION** Councilmember James made a motion to close the public hearing at 7:08 p.m. to receive public comment regarding Hyrum City transferring approximately .46 acres of real property located at the corner of Centre Avenue and Park Avenue to Cache County Corporation for a South Cache Ambulance Station. Councilmember Clawson seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

***SCHEDULED DELEGATIONS:***

**MELISSA BUNCE - TO REQUEST APPROVAL OF A HOME OCCUPATION BUSINESS LICENSE AT 361 NORTH 600 EAST FOR PHOTOGRAPHY.**

Melissa Bunce said she wants to do infant photography in her home at 361 North 600 East. She will never have more than one client at her home at one time. She has a five car driveway so there are parking spaces for her clients.

**ACTION** Councilmember James made a motion to approve a Home Occupation Business License for Melissa Bunce at 361 North 600 East for photography. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

**DAN LARSEN, KARTCHNER HOMES - TO REQUEST CONCEPT PLAN APPROVAL FOR THE HEIGHTS APARTMENT COMPLEX PLANNED UNIT DEVELOPMENT AT APPROXIMATELY 900 EAST BETWEEN HIGHWAY 101 AND HYRUM BOULEVARD (138 APARTMENTS).**

Dan Larsen said he is not with Kartchner Homes on this project. He has lived in Hyrum for the past eight years and wants to improve Hyrum not take away from it. Statistically every 30 years the population doubles and as growth happens there needs to be a place for people to live. If all of the growth took place on larger lots there would be no farm land left. People want to preserve the rural feel in Hyrum, but a rural feel is not accomplished by developing all of the agricultural property. Development is going to have to occur with higher density to leave farm land. No one wants development in their backyard but it has to go somewhere. This area is a great area for multi-family housing it is near a commercial zone, high school, and elementary school. There will be room for the children in the development in the schools. The school district is continuously adjusting school boundaries to make room for students. Commercial businesses aren't going to come to Hyrum until there are enough people to support those businesses. This apartment complex will provide housing to many families increasing the population in Hyrum to attract more commercial businesses. There is a demand and need for apartments in Hyrum and that will only grow with the JBS Swift expansion and as growth continues to move south of Logan. The proposed complex has a club house with exercise equipment and will have a full time manager on staff to take care of the property. He has no doubt he can fill the apartment unit and still keep rental rates as low as \$625 a month.

City Administrator Ron Salvesen said on July 30, 2015 the Planning Commission held a public hearing on the concept plan for Heights Apartment Complex. The Planning Commission recommended approving the concept plan for a 138 unit apartment complex at 900 East between Highway 101 and Hyrum Boulevard with the following recommendations: 1) Work on reducing the density by a minimum of six units; 2) Look at covered parking; 3) Try to pick up more open space; 4) Add brick or stone on outside of building per ordinance; 5) New building elevations; 6) Steeper roof pitch, 6' to 12'; 7) Add an entrance feature with a sign; and 8) Clubhouse will go in first.

Dan Larsen said the Planning Commission had a concern about the architectural style of the apartments, but that is the new trend. He doesn't want to use earth tones with higher and multiple roof tops because his apartments will look dated quicker since that is a trend that is going out of style.

Councilmember Clawson asked if there would be covered parking.

Darn Larsen said garages are not profitable for his rental price point. If it was profitable he would put in garages. People who work in Hyrum want to live in Hyrum and there are not enough apartments here.

Councilmember Allgood said if you live in Hyrum you are not going to live in an apartment and work in Logan. He is concerned about the rent price point and the number of apartments being proposed. Hyrum doesn't have 400 jobs opening up to fill these apartments for people who want to live and work in Hyrum. This property is zoned commercial and is an area where commercial businesses should be now and in the future.

Councilmember James said Hyrum City's General Plan was created after several studies were conducted and open houses with citizens. Citizens did not want apartments concentrated in one area and the General Plan does not encourage it. Apartments are great and there are great places for them, however, this location is not the place and this density is not wanted by the citizens of Hyrum.

Dan Larsen said since the General Plan was approved there have not been many apartments built in Hyrum. There are low income families that are looking for housing opportunities to live in Hyrum.

Councilmember Allgood said Hyrum City meets the minimum standards for low income housing, in fact it is 2.5 times over the minimum standards. Hyrum City provides enough low income housing.

Councilmember Felix said he appreciated the comments that were made tonight by both the residents and the developer. The proposed concept plan is a Planned Unit Development and does not have to be approved. He doesn't think this many apartments in one area would be of benefit to the citizens of Hyrum.

Councilmember Woolstenhulme thanked Dan Larsen for coming in with this proposal and the great housing projects he has built in the City, however, with the public comment received and the concern of losing valuable commercial property he cannot approve

this plan.

**ACTION** Councilmember Woolstenhulme made a motion to deny the Concept Plan for the Heights Apartment Complex Planned Unit Development at 900 East between Highway 101 and Hyrum Boulevard. Councilmember James seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

**DAN LARSEN - TO REQUEST FINAL PLAT APPROVAL FOR SAWMILL CROSSING SUBDIVISION AT 1000 EAST HYRUM BOULEVARD (13 SINGLE FAMILY RESIDENTIAL DWELLINGS).**

City Administrator Ron Salvesen recommended approving the final plat for Sawmill Crossing Subdivision at 1000 East Hyrum Boulevard (13 single family residential dwellings).

**ACTION** Councilmember James made a motion to approve the Final Plat for Sawmill Crossing Subdivision at 1000 East Hyrum Boulevard (13 single family residential dwellings) with the condition of final approval of the construction drawings by the City Engineer. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

**RYAN REEVES, BLACKSMITH FORK VILLAS - TO REQUEST SITE PLAN AND FINAL PLAT APPROVAL FOR BLACKSMITH FORK VILLAS ASSISTED LIVING CENTER AT 680 EAST MAIN STREET (TWO STORY - 36 LIVING UNITS).**

Ryan Reeves was not in attendance, this item was table until the next City Council Meeting.

***INTRODUCTION AND ADOPTION OF RESOLUTIONS:***

**RESOLUTION 15-14 - A RESOLUTION DECLARING CERTAIN HYRUM CITY EQUIPMENT AS SURPLUS AND ORDERING THE SALE OF DISPOSAL THEREOF.**

Mayor Miller said Hyrum City had old equipment and items from Hawn's Lounge that need to be disposed of. The bids will take place by silent auction in September.

**ACTION** Councilmember Clawson made a motion to approve Resolution 15-14 declaring certain Hyrum City equipment as surplus and ordering the sale or disposal thereof. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

**RESOLUTION 15-15 - A RESOLUTION APPROVING AN AGREEMENT BETWEEN HYRUM CITY AND CACHE COUNTY FOR THE TRANSFER OF REAL PROPERTY FROM HYRUM CITY TO CACHE COUNTY FOR BUILDING AND MAINTENANCE OF AN AMBULANCE STATION.**

**ACTION**

Councilmember James made a motion to approve Resolution 15-15 approving an agreement between Hyrum City and Cache County for the transfer of real property from Hyrum City to Cache County for building and maintenance of an ambulance station. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

***OTHER BUSINESS:***

**CONSIDERATION AND AWARD OF BID FOR 2015 WATER AND IRRIGATION IMPROVEMENT PROJECTS.**

City Administrator Ron Salvesen said the City received four bids on July 29, 2015 for the 2015 Water and Irrigation Improvement Projects.

<b>Bidder:</b>	<b>Bid Amount:</b>
Mesquite Inc.	\$120,450.00
Counterpoint Construction	\$187,495.00
Associated Brigham Contractor	\$228,527.50
Leon Poulsen Construction	\$252,537.50

The City Engineer has reviewed the bids and is recommending awarding the bid to Mesquite Inc. in the amount of \$120,450.00. However, UDOT has changed its construction requirements in its right-of-way and it could increase the project cost by 50 to 100%. Aqua Engineering is working with UDOT to determine if UDOT is going to require Hyrum City to comply with its new requirements.

**ACTION**

Councilmember James made a motion to award the 2015 Water and Irrigation Improvement Projects to Mesquite Inc. in the amount of \$120,450 with a 15% contingency increase in case UDOT requires additional work. If UDOT's requirements increase the bid more than 15% the project will need to be rebid. Councilmember Woolstenhulme seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

**TO DISCUSS SOUTH CACHE LIVESTOCK ASSOCIATION PROPERTY PURCHASE TERMS.**

City Administrator Ron Salvesen said this spring South Cache Livestock Association (Cattleman Association) transferred property to Hyrum City so it could realign Hammer Boulevard with Highway 101. Hyrum City was in a hurry and the Cattleman's Association worked with the City and deeded the property to the City with the condition that the City would give them a water connection. However, since then the Cattleman Association has decided instead of a water connection it is more important to purchase a truck scale and asked if Hyrum City would donate \$5,000 rather than give them a water connection.

**ACTION** Councilmember James made a motion to give South Cache Livestock Association \$5,000 when it purchases a scale with the condition that the City can use the scale when needed instead of the City giving them a water connection. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

**CONSIDERATION OF EXCHANGING AND IRRIGATION CONNECTION FOR IRRIGATION SHARES WITH MOUNTAIN CREST HIGH SCHOOL.**

City Administrator Ron Salvesen said Mountain Crest High School has contacted the City about trading Hyrum City 19 shares of Highline Canal and an easement across South Cache School property where a power line was placed, for a water/irrigation connection. The connection will be for an acre of property on the east side of the High School where the agricultural class plants corn. This is a great deal for the City to pick up 19 shares of Highline Canal.

**ACTION** Councilmember Clawson made a motion to trade Mountain Crest High School a culinary water or irrigation connection to water one acre of ground in exchange for Mountain Crest giving Hyrum City 19 shares of Highline Canal and an easement across South Cache School property where a power pole was placed. Councilmember Woolstenhulme seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.

**CONSIDERATION AND APPOINTMENTS OF HYRUM CITY'S PARKING AUTHORITY COMMITTEE.**

City Administrator Ron Salvesen recommended appointing Brent Roylance and Jared Clawson to the City's Parking Authority Committee.

**ACTION** Councilmember Felix made a motion to appoint Brent

**Roylance and Jared Clawson to Hyrum City's Parking Authority Committee. Councilmember James seconded the motion and Councilmembers Allgood, Clawson, Felix, James, and Woolstenhulme voted aye. The motion passed.**

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Woolstenhulme said National Night Out Against Crime was held on August 4<sup>th</sup> and had a similar turnout as in the past.

Mayor Miller said an appraisal is being conducted of the City's Wastewater Treatment Plant and Nibley, Providence, and Hyrum will each pay one-third of the cost of the appraisal. The City Council discussed the cost of the appraisal and the payment of the appraisal should be split between Nibley and Providence only as discussed in a previous meeting. Mayor Miller said she would let Nibley and Providence know that Hyrum City won't participate in the cost. UAMPS Conference is August 23 through August 26 and the ULCT Conference is September 16 through September 18.

***ADJOURNMENT:***

**ACTION**

**There being no further business before the City Council, the Council Meeting adjourned at 9:05 p.m.**

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Stephanie Miller  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: September 3, 2015  
As written